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Dated: 6/3/05 Signature: (Ginny Blundell)

Docket No.: JMY-P01-001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chervonsky et al.

Application No.: 10/777883

Confirmation No.: 6714

Filed: February 12, 2004

Art Unit: 1647

For: METHODS OF MODULATING HOMING OF
T CELL BY INTERRUPTION OF
CHEMOKINE/CHEMOKINE RECEPTOR
SIGNALING

Examiner: J. D. Lyles

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

This reply is being filed in response to the outstanding Office Action mailed May 4, 2005, in connection with the above application.

Applicants hereby elect, with traverse, Group I (claims 1-10), drawn to a method of modulating homing of T cells to the pancreas with an agonist or an antagonist of the chemokine CCL21. Applicants traverse the restriction requirement for the reasons which follow.

Applicants particularly request rejoinder of claims 11-20 of Group II, drawn to a method of modulating homing of T cells to the pancreas with an agonist or an antagonist of a chemokine receptor of T cells. Applicants note that Group I shares a common technical feature with Group II, namely modulating homing of T cells to the pancreas by regulating signaling through chemokine CCL21 and a chemokine receptor of T cells, which would facilitate searching these groups at once. Indeed, Applicants note that Groups I and II are classified in the same class and subclass (*i.e.*, class 435, subclass 7.1 or class 436, subclass 501).

Pursuant to MPEP §803, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants submit that simultaneous

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examination of Groups I and II will not impose a substantial additional burden on the Examiner. Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

To the extent that the Examiner requires Applicants to elect one chemokine receptor from Group A and to elect one agonist or antagonist from Group B, Applicants hereby elect, for search purposes only, CCR7 from Group A and a mutated form or a mimic of CCL21 from Group B. Applicants note that MPEP § 803.04 states that "to further aid the biotechnology industry in protecting its intellectual property without creating an undue burden on the Office, the Commissioner has decided *sua sponte* to partially waive the requirements of 37 C.F.R. 1.141 *et seq.* and permit a reasonable number of such nucleotide sequences to be claimed in a single application." The MPEP goes on to state that "it has been determined that normally ten sequences constitute a reasonable number for examination purposes." Applicants submit that the present claims include fewer than 10 sequences and as such constitute a reasonable number of sequences for search and examination.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the above two election requirements, and request a search and examination of the two chemokine receptors in Group A and three types of agonists or antagonists in Group B as claimed herein.

CONCLUSION

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**, under Order No. **JMY-P01-001**.

Dated: June 3, 2005

Respectfully submitted,

By 

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